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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 EDWIN M. BRIONES,

9 Petitioner,

10 v.

11 TIMOTHY WENGLER,

12 Respondent.

Case No. C08-5059BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation of the  
14 Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 21). The Court having  
15 considered the Report and Recommendation, Plaintiff's failure to file objections, and the  
16 remaining record, does hereby find and order:

- 17 (1) The Court adopts the Report and Recommendation; and  
18 (2) Plaintiff's petition is **DENIED** and this action is **DISMISSED**.

19 DATED this 2<sup>nd</sup> day of September, 2008.  
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23 BENJAMIN H. SETTLE  
24 United States District Judge  
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28 ORDER